

PTO/SB/33 (07-05)

United States Patent &amp; Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>	Docket Number (Optional) 58268.09032
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed Name _____	Application Number:  09/599,938
	Filed: June 23, 2000
	First Named Inventor:  Joseph HERBST
	Art Unit: 2616  Examiner: Kevin D. Mew

**Mail Stop AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

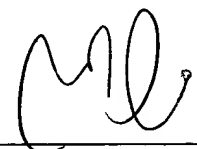
The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ Applicant/Inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under  
37 CFR 3.73(b) is enclosed
- ☒ Attorney or agent of record.  
Registration No. 54,749

- ☐ Attorney or agent acting under 37 CFR 1.34.  
Reg. No. is acting under 37 CFR 1.34 \_\_\_\_\_

  
SignatureMajid S. AlBassam

Typed or printed name

703-720-7898

Telephone number

October 16, 2006

Date

NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

- ☐ \*Total of \_\_\_\_\_ forms are submitted.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Joseph HERBST

Art Unit: 2616

Application No.: 09/599,938

Examiner: Kevin D. Mew

Filed: June 23, 2000

Attorney Dkt. No.: 58268.09032

For: MEMORY MANAGEMENT UNIT FOR A NETWORK SWITCH

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 16, 2006

Sir:

In accordance with the Pre-Appeal Brief Conference Pilot Program guidelines set forth in the July 12, 2005 Official Gazette Notice, Applicants hereby submit this Pre-Appeal Brief Request for Review of the final rejections of claims 1-10 in the above identified application. Claims 1-10, 12-26, and 28-33 are currently pending in the application. However, claims 12-26 and 28-33 have been allowed. Claims 1-10 were finally rejected in the Office Action dated July 14, 2006. Applicants filed a Response to the Final Office Action on August 9, 2006, and the Office issued an Advisory Action dated October 11, 2006 maintaining the final rejections of claims 1-10. Applicants hereby appeal these rejections and submit this Pre-Appeal Brief Request for Review.

The final Office Action rejected claims 1-10 under 35 U.S.C. §102(e) as being anticipated by Headrick (U.S. Patent No. 5,724,358). Applicants respectfully disagree

and submit that there is clear error in that Headrick fails to disclose or suggest all of the elements of the rejected claims.

Applicants respectfully submit that claims 1-10 recite subject matter which is neither disclosed nor suggested by Headrick, and that, therefore, the final rejection is improper and without basis. Specifically, Applicants respectfully submit that Headrick fails to disclose or suggest that “the data input section further comprises at least one cell accumulation buffer and a slot assembly unit, the slot assembly unit being configured to receive cells from the at least one cell accumulation buffer and package the received cells into cell slots to be stored in the second memory,” as recited in claim 1.

In the response to arguments section, the final Office Action appears to take the position that Figure 7 of Headrick discloses the elements of present claim 1. The Office Action states that the data paths of Headrick correspond to the cell accumulation buffer of the present invention, and that the Cell Buffer Memory 174 of Headrick corresponds to the slot assembly unit of the present invention. Applicants respectfully disagree. Claim 1 specifically recites that the slot assembly unit is configured to receive cells from the at least one cell accumulation buffer and package the received cells into cell slots to be stored in the second memory.

The cell buffer memory 174 of Headrick does not include the features of the claimed slot assembly unit discussed above. Rather, Headrick only discloses that the cell buffer memory 174 “is organized as a plurality of addressable memory locations. These memory locations within the cell buffer memory are controlled by the memory managers

which allocate free memory locations within the cell buffer memory using freelist memory 176” (Headrick, Column 7, lines 8-13).

Therefore, Headrick discloses that the cell buffer memory 174 is a memory including a plurality of free memory locations that may store information. Headrick fails to disclose or suggest that the cell buffer memory 174 packages the received cells into cell slots to be stored in the second memory, as recited in the present claims.

The Office Action also cites Column 7, lines 49-67 and Column 8, lines 1-10 as disclosing the features of the slot assembly unit of the claimed invention. However, these sections merely describe that “it is determined whether or not the cell will be accepted by the cell buffer memory. The details of the cell acceptance method, in accordance with the invention, will be described in more detail below. If the cell is not accepted, then the cell is dropped in Step 234. On the other hand, if the cell is accepted into the cell buffer memory, then, in Step 236, the cell is stored in the memory and the pointers in the pointer memories are updated” (Headrick, Column 7, line 67 – Column 8, line 8). Consequently, Headrick does not disclose or suggest that the cell buffer memory, which the Office Action argues corresponds to the slot assembly unit, is configured to receive cells from the at least one cell accumulation buffer and package the received cells into cell slots to be stored in the second memory. Headrick merely discloses that the cell buffer memory determines whether to accept a cell and stores the cell therein if it is accepted. The cell buffer memory does not package the received cells into cell slots to be stored in a second memory. In fact, Headrick contains no mention of a second memory.

Accordingly, Applicants respectfully assert that the cell buffer memory of Headrick does not correspond to the slot assembly unit of the present invention. Therefore, for at least the reasons discussed above, Headrick fails to disclose or suggest that “the data input section further comprises at least one cell accumulation buffer and a slot assembly unit, the slot assembly unit being configured to receive cells from the at least one cell accumulation buffer and package the received cells into cell slots to be stored in the second memory,” as recited in claim 1. As such, Applicants respectfully submit that Headrick fails to disclose or suggest all of the elements of claim 1 and that, therefore, the final rejection is improper and without basis.

For at least the reasons discussed above, Applicants respectfully request that the rejection of claim 1 be withdrawn. Claims 2-10 are dependent upon claim 1. Therefore, claims 2-10 should be allowed for at least their dependence upon claim 1, and for the specific limitations recited therein.

Reconsideration and withdrawal of the rejections, in view of the clear errors in the Office Action, is respectfully requested. In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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MSA:jf

Enclosures: PTO/SB/33 Form  
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